



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
NORTHEAST REGION**

**Detroit Office**  
24897 Hathaway Street  
Farmington Hills, MI 48335

July 8, 2005

**CERTIFIED MAIL NO: 7003 1680 0001 9977 1616  
RETURN RECEIPT REQUESTED AND FIRST CLASS U.S. MAIL**

Frederick Sanders  
Benton Harbor, Michigan

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-05-DT-244  
Document Number: W20053236002

The Detroit Office received a complaint that an unlicensed broadcast radio station on 93.3 MHz was allegedly operating in Benton Harbor, Michigan. On June 6, 2005, agents from this office received signals from the station operating on 93.3 MHz at least five miles away from your residence. Agents confirmed by direction finding techniques that radio signals on the frequency 93.3 MHz were emanating from your residence in Benton Harbor Michigan. The Commission's records show that no license was issued for operation of a broadcast station on 93.3 MHz at this location in Benton Harbor, Michigan.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* During the inspection of your unlicensed station operating on frequency 93.3 MHz, the transmitter output power was measured at 75 watts. The maximum permitted field strength for a transmitter compliant with Part 15 is 250  $\mu$ V/m measured at 3 meters. It does not appear that your station complies with the maximum permitted field strength permitted under Part 15. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of 47 U.S.C. § 301 and could subject the owner of this illegal operation to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.**

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

James A. Bridgewater  
District Director  
Detroit Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended  
Enforcement Bureau, "Inspection Fact Sheet", July 2003